

REMARKS

Claims 1-17 remain pending in this application.

Rejection of Claims 1-3, 5, 6, 9-12, 14, 15 under 35 USC § 103(a)

Claims 1-3, 5, 6, 9-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway (U.S. Patent No. 5,450,079) in view of Tagg et al (US 2003/0067451 hereinafter Tagg) and Heidel (US 5,342,047 hereinafter Heidel).

The present claimed invention provides a remote control including a housing, a controller and a display supported by the housing. The display is coupled to the controller for communication therewith. The display is further divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, where each of the plurality of touch selectable buttons and associated labels are etched within the pre-etched touch screen area, and a programmable message area operative to display user selected alphabetic characters. A memory is coupled to the controller for communication. The memory contains program instructions that allow a user to define a custom label for one of a plurality of selectable buttons that is displayed in the message area when the selected one of the plurality of buttons is actuated. Similar features to those discussed above are included in both independent claims 1 and 10 and thus all arguments presented herein apply to each of these claims.

Dunaway, Tagg and Heidel, when taken alone or in combination, neither disclose nor suggest a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claim 1 the present invention. Dunaway, Tagg and Heidel, when taken alone or in combination, also neither disclose nor suggest “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention.

Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Dunaway describes a multimodal hand-held remote control device utilized for selecting designated functions in a plurality of multimedia processing units. Multiple user selectable keypads are provided for initiating transmission of control signals utilizing a wireless transmission system. An electrically alterable graphic designation is provided in association with each user selectable keypad so that a function associated with each particular keypad for a given multimedia process unit may be visually determined. The electrically alterable graphic designation is then varied in response to selection of an alternate mode of operation wherein the functions associated with each user selectable keypad for an alternate multimedia processing unit may be displayed. (Abstract)

The Office Action correctly asserts on page 3 that Dunaway “does not disclose pre-etching touch screen area defining a plurality of touch selectable button”. Dunaway is silent regarding a pre-etched touch screen area. Therefore, Dunaway (with Tagg and Heidel) neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claim 1 the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

The Office Action asserts on page 3 that allowing “a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” in the present claimed invention is the same as the “different label buttons in different modes” in Dunaway. The applicants respectfully disagree. Dunaway (with Tagg and Heidel) neither discloses nor suggests “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons” as recited in claim 1 of the present invention. Dunaway merely describes buttons with

preset labels dependent on a selected mode (Fig. 2A, 2B, 2C, col. 3 lines 25-29). In contrast, the present claimed invention allows the user to define a custom label for a selectable button (page 7, lines 19-20; Fig. 3d). “The custom label allows the user to assign a label that is more appropriate for the function or the button” (page 7, lines 24-25). When the button is activated, the custom label created by a user is displayed in the message area. Therefore, Dunaway (with Tagg and Heidel) neither discloses nor suggests “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Tagg describes a capacitive touch detector that utilizes a narrow band buffer to improve selectivity. Means for reducing the effect of noise comprise capacitive coupling of the buffer into the detector. The detector consists of a plurality of sensor pads of different inherent capacitances and means to approximate impedances. A synchronous demodulator is arranged to be connected as a tracking filter to track the frequency of a capacitance-measuring signal from one to another of the sensor pads. A controller is connected to a number of pads or capacitive sensing zones by way of buffered multiplexer chips and shielded connectors and cables. (Abstract)

Tagg (with Dunaway and Heidel) neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claim 1 of the present invention. Tagg merely utilizes an etched transparent conductive sheet to form orthogonal capacitive zones in its touch screen area. Furthermore, Tagg is silent regarding etched labels. In contrast, the present claimed invention provides a display with etched buttons and etched labels. The outline of a button is etched directly onto the touch screen (page 6, lines 17-19). A label corresponding to an etched button is also etched onto the touch screen (page 6, lines 29-30). The capacitive zones in Tagg are not the same as the etched buttons and etched labels in the present claimed

invention. Therefore, Tagg (with Dunaway and Heidel) neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claim 1 the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Tagg (with Dunaway and Heidel) also neither discloses nor suggests “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention. Tagg is silent regarding custom labels defined by the user. Therefore, Tagg (with Dunaway and Heidel) neither discloses nor suggests “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Heidel describes a video lottery terminal that employs touch screens. The touch screen permits a number of different games to be played on the same machine. The play of certain games is improved by using electromechanical game buttons in conjunction with touch screen controls. (Abstract)

Heidel (with Dunaway and Tagg) neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claim 1 the present invention. Heidel merely describes an etched label for electromechanical game control buttons mounted on a video gaming machine (col. 2 lines 45-58, col. 3 lines 53-60, fig 1 32a-32e). In contrast, the present claimed invention utilizes a display with etched buttons and etched labels. The outline of a button is etched directly onto the touch screen (page 6, lines 17-19). A label corresponding to an

etched button is also etched onto the touch screen (page 6, lines 29-30). The pre-etched touch screen in the present claimed invention is not the same as the pre-etched electromechanical button in Heidel. Therefore, Heidel (with Dunaway and Tagg) neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claim 1 of the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Heidel (with Dunaway and Tagg) also neither discloses nor suggests “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention. Heidel is silent regarding custom labels defined by the user. Therefore, Heidel (with Dunaway and Tagg) neither discloses nor suggests “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Additionally, the applicant respectfully submits that there is no reason or motivation to combine Dunaway, Tagg and Heidel. Dunaway describes a remote control with electrically alterable keypad designations. Tagg describes a capacitive touch detector. Heidel describes a touch screen video gaming machine. Dunaway is concerned with improving remote control devices for utilization with multimedia processing units with electrically alterable keypad designations. Tagg is concerned with improving selectivity to allow for more reliable touch detection and interpolation methods. Heidel is concerned with providing a video gaming machine with a touch screen and buttons that is capable of playing a number of different games. Dunaway, Tagg and Heidel are concerned with completely different and related objectives and thus, there is no reason or motivation to combine Dunaway, Tagg and Heidel.

However, even if the systems of Dunaway, Tagg and Heidel were combined, the combination would neither disclose nor suggest a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” and “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 the present invention. The combined system would consist of a remote control gaming device with electrically alterable keypads and a touch screen with improved touch controls. In contrast, the present claimed invention provides a remote control device with a pre-etched touch screen display containing etched buttons and labels which also allows a user to define custom labels. The remote control is capable of controlling various devices, with a different set of buttons and labels activated for each device (page 3, lines 11-14). The buttons and labels are already etched onto the touch screen and can be turned on and off (page 6, lines 17-32). The user can designate a custom label to be displayed in a message area for any button on the display (page 7, lines 18-31). Therefore, the combination of Dunaway, Tagg and Heidel, similar to the individual systems, neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” and “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 the present invention.

In view of the above remarks it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Dunaway, Tagg, and Heidel, when taken alone or in any combination, that makes the present invention as claimed in claims 1 and 10 unpatentable. As claims 2, 3, 5, 6, 9, 11, 12, 14 and 15 are dependant on independent claims 1 and 10, respectively, it is respectfully submitted that these claims are also patentable for the same reasons discussed above with respect to claims 1 and 10. Thus,

it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 4, 7-8, 13, 16, 17 under 35 USC § 103(a)

Claims 4, 7, 8, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway, Tagg and Heidel as applied to claims 1 and 10 above, and in further in view of Sampsell (U.S. Patent No. 6,496,122).

Sampsell (with Dunaway, Tagg and Heidel) neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claim 1 the present invention. Sampsell (with Dunaway, Tagg and Heidel) also neither discloses nor suggests “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Sampsell describes an image display and remote control system capable of displaying two distinct images simultaneously. One image is shown on an image display device such as a television or computer monitor. The other image is shown on a remote control included in an image display system. The remote control has a learning mode with on-screen feedback making the image display system backward and forward compatible with a wide array of image display devices.

Sampsell (with Dunaway, Tagg and Heidel) neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as

recited in claim 1 the present invention. Sampsell is silent regarding a pre-etched touch screen are with etched buttons and labels. Therefore, Sampsell (with Dunaway, Tagg and Heidel) also neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” as recited in claim 1 the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Additionally, Sampsell (with Dunaway, Tagg and Heidel) neither disclose nor suggest “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention. Sampsell is silent regarding custom labels defined by a user. Therefore, Sampsell (with Dunaway, Tagg and Heidel) also neither disclose nor suggest “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 of the present invention. Independent claim 10 contains similar features to those discussed above, and thus, all remarks presented herein also apply to claim 10.

Additionally, if the systems of Dunaway, Tagg, Heidel and Sampsell were combined, the combination would neither disclose nor suggest a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” and “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 the present invention. The combined system would consist of a remote control gaming device with electrically alterable keypads and a touch screen with improved touch controls. The combined system would also be capable of displaying an image distinct from another image displayed on an image display device. In contrast, the present claimed invention provides a remote control device with a pre-etched touch screen display containing etched buttons and labels

which also allows a user to define custom labels. The remote control is capable of controlling various devices, with a different set of buttons and labels activated for each device (page 3, lines 11-14). The buttons and labels are already etched onto the touch screen and can be turned on and off (page 6, lines 17-32). The user can designate a custom label to be displayed in a message area for any button on the display (page 7, lines 18-31). Therefore, the combination of Dunaway, Tagg, Heidel and Sampsell, similar to the individual systems, neither discloses nor suggests a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” and “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 the present invention.

As claims 4, 7, 8, 13, 16 and 17 are dependent on independent claims 1 and 10, respectively, it is respectfully submitted that they are allowable for the same reasons discussed above regarding claims 1 and 7. Therefore, Dunaway, Tagg, Heidel, and Sampsell, when taken alone or in combination, neither disclose nor suggest a “display divided into a pre-etched touch screen area defining a plurality of touch selectable buttons and associated labels, each of said plurality of touch selectable buttons and associated labels being etched within said pre-etched touch screen area” and “allow[ing] a user to define a custom label for a selected one of said plurality of selectable buttons that is displayed in said message area” as recited in claim 1 the present invention.

In view of the above remarks it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure contained within Dunaway, Tagg, Heidel and Sampsell, when taken alone or in combination, that make the present claimed invention unpatentable. As claims 4, 7, 8, 13, 16 and 17 are dependent on claims 1 and 10, respectively, it is respectfully submitted that these claims are also patentable over Dunaway, Tagg, Heidel and Sampsell. In view of the above remarks, it is respectfully

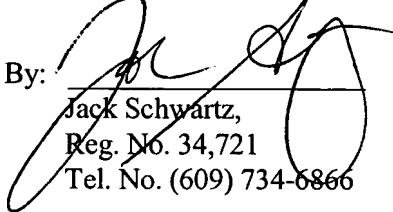
submitted that these claims are patentable. Therefore, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
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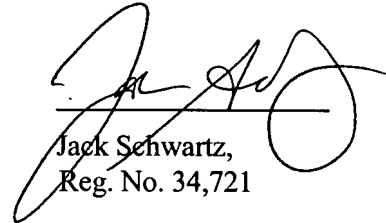
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